

SENATE—Sunday, December 31, 1995

(Legislative day of Friday, December 29, 1995)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the Honorable JOHN H. CHAFEE, a Senator from the State of Rhode Island.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, the Reverend George Anderson, pastor of Mount Oak United Methodist Church, Bowie, MD.

PRAYER

The guest Chaplain, Rev. George Anderson, pastor of Mount Oak United Methodist Church, Bowie, MD, offered the following prayer.

Let us pray:
O God our help in ages past,
Our hope for years to come,
Our shelter from the stormy blast,
And our eternal home!

Under the shadow of Thy throne
Thy saints have dwelt secure;
Sufficient is Thine arm alone,
And our defense is sure.

Before the hills in order stood,
Or earth received her frame,
From everlasting Thou art God,
To endless years the same.

Another year dies—a new year is born. New challenges, new opportunities, new responsibilities, new occasions arise, demanding our best, requiring wisdom, vision, foresight, and courage.

O Lord God—Beautiful Savior, Everlasting Father, the Prince of Peace—I pray for the men and women of the U.S. Senate, their families, and their staffs, that You would watch over them with Your holy angels each day through the year that lies ahead; that You would protect them, bless them, and guide them. Your word declares that "when a man's ways are pleasing to God, He makes even his enemies to live in peace with him."

O Ruler of Heaven—Lord of lords and King of kings, take charge in this Chamber. May Your will be done in this place through the guidance of Your holy spirit. Bind the powers of darkness that they might have no voice or place here.

And may the people of this land be blessed by the work that is done here. May the people—Your people—be encouraged, strengthened, liberated, and not ever weakened or oppressed by the laws enacted in these Chambers. Watch over our men and women in Bosnia and protect them, we pray.

As we commit to You the year that is ending, with all its successes and failures, so also we commit to you the year that lies ahead, with all its hopes and fears.

Thank You, O beautiful Savior that we don't have to face either the past, the present, or the future alone. But You promise to walk with us, as we put our trust in You.

O holy Child of Bethlehem!
Descend to us, we pray;
Cast out our sin, and enter in;
Be born in us today.
We hear the Christmas angels
The great tidings tell;
O come to us, abide with us,
Our Lord Emmanuel.

We pray this prayer in the name of the God of Abraham, Isaac, and Jacob—and Jesus. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 31, 1995.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN CHAFEE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. CHAFEE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, the Democratic leader and I will be on the floor momentarily. We are trying to figure out some way to work out a problem we have. Hopefully we can get it done. In the meantime, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE MIDDLE EAST PEACE FACILITATION ACT OF 1994

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 2808, the Middle East Peace Facilitation Act of 1994 just received from the House.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2808) to extend authorities under the Middle East Peace Facilitation Act of 1994 until March 31, 1996, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. DOLE. Mr. President, I ask unanimous consent that the bill be deemed read the third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the matter be placed at the appropriate place in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

So the bill (H.R. 2808) was deemed read for the third time and passed.

UNANIMOUS-CONSENT REQUEST

Mr. DOLE. Mr. President, I ask unanimous consent that once the Senate receives the document entitled "A Bill to Provide for Deficit Reduction and Achieve a Balanced Budget by the Fiscal Year 2002," that is agreed to by the President and the congressional leaders, that the bill be considered under the following restraints:

That there be 12 hours for debate on all amendments, motions, and appeals in connection therewith, and all other provisions in the Congressional Budget Act of 1974 be in effect as if it were a reconciliation bill.

I further ask that once the Senate receives from the House the bill entitled "A Bill to Provide for Deficit Reduction and Achieve a Balanced Federal Budget by 2002," that it be in order for the majority leader to introduce and place directly on the Senate Calendar the concurrent resolution revising the first concurrent budget resolution, as provided for under the Budget Act of 1974, and that the consideration of that concurrent resolution be limited to 1 hour to be equally divided in the usual form, with all other provisions of the Budget Act in effect with respect to

the consideration of that concurrent resolution.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DASCHLE. Mr. President, our colleagues should know that the effect of this unanimous-consent agreement is to ask Federal workers to show up in their offices without being given authority to do virtually anything. Anything that would cost money would be prohibited. They would be required to sit on their hands and stare at each other day after day after day, until we pass something that gives them the right to do something.

So what this would allow them to do is to go to their offices, sit on their hands, and do nothing. They could not get in their trucks because they use gas. They could not make a long distance phone call because that would incur an expense. Anything that any office would do that incurs an expense would still be prohibited.

So, Mr. President, this is a facade. This does not work. This is not what we should be doing. Federal employees ought to come back to work. They ought to be paid. And the services they are paid to deliver ought to be funded. Federal employees ought to be allowed to come back to work, not just go to their offices, but to actually work, and Federal employees—who have been without pay since December 15—ought to be paid. This does not do it, and so I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

UNANIMOUS-CONSENT REQUEST— HOUSE MESSAGE ON S. 1508

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate proceed to the message from the House on S. 1508 and concur in the House amendment with a substitute continuing resolution, giving them full authority to do all that they need to do once they go back to work, which reopens the Government and provides for the payment of all Federal employees who have been without pay since December 15, that the motion to concur be agreed to and the motion to reconsider be laid on the table.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DOLE. Mr. President, reserving the right to object. Let me indicate, first of all, I regret we were unable to reach some agreement today. We have not given up. We are going to come back here again Tuesday and, hopefully, by then we will have an agreement. I do not share the view of some of my colleagues that we ought to have a partial shutdown of the Government, or that the people should not be paid. But I do believe that we need to find some agreement. If we can get this done, we also would be willing to give some on what would happen if a bal-

anced budget amendment were agreed to by the President, the Democratic leader, and the Republican leaders in the Senate and in the House, and we could move rather quickly if that were possible.

I am afraid that if this goes back to the House without some agreement even between me and my friend, Senator DASCHLE—we hoped to get a unanimous-consent agreement—not put it to legislation—and send back the deeming provision with a couple of provisions that the White House asked us to add today. One would permit Federal employees to apply for and receive unemployment compensation, which would be returned or refunded once they were paid. And the second thing, even though they have been furloughed, it would not interrupt their normal leave policy. We were prepared to add those at the request of White House counsel. By Tuesday, hopefully, we can work that out. I regret we were not able to do it now. Therefore, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

UNANIMOUS-CONSENT REQUEST— HOUSE MESSAGE ON S. 1508

Mr. DASCHLE. Mr. President, let me emphasize that the resolution that I attempted to get unanimous consent for would have allowed Government to go back to work. We would not have had this sham proposal sent over to us by the House that does not allow people to go to work, does not allow people to get paid, does not allow people any opportunity to do anything once they are in their offices. So people ought to understand this. I have seen in the media for the last couple of days that this resolution somehow would allow Federal employees to go back to work. There is a distinction between going back to work and going to their offices. They will be able to go to their offices, but they will not be allowed to go back to work. Nor will they be paid.

So I would just emphasize that that is our first choice, to allow them to go back to work and have a continuing resolution that allows all Federal agencies to operate as they should during this time. If that cannot be done, I would pose the second unanimous-consent request, and that is the one that Senator DOLE and I agreed to last Friday, the 22d of December. On that occasion, with some reservation, I agreed to at least allow them to go to their offices to do whatever they could under very significant constraints.

They are not going to get paid, but since we did go on record on December 22d, Friday, to at least do that, to allow them to go back to their offices, I now ask unanimous consent that the Senate proceed to the message from the House on S. 1508, that the Senate concur in the House amendment with a

substitute amendment, which includes the text of the distinguished majority leader's back-to-work bill, that the motion to concur be agreed to, and the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DOLE. Mr. President, reserving the right to object, and I shall object.

Again, repeating, it seems to me that there was a provision that we might have added to the deeming provision which would have defined the scope of employment once back to work. We are told that the Justice Department, or whoever would make that determination, would probably conclude that they could go back into almost normal duties. We were prepared to at least look at that provision. In fact, I ask unanimous consent that that provision be printed in the RECORD.

There being no objection, the provision was ordered to be printed in the RECORD, as follows:

SEC. . SCOPE OF EMPLOYMENT.

Employees excepted from furlough during any period in which there is a lapse in appropriations for the activity in which the employee is employed shall engage in the normal activities of their position, including the obligation of necessary operating expenses, but not including entering into new program obligations such as grants or contracts.

Mr. DOLE. Mr. President, it was not made part of the technical changes. The White House had some concern with it, too. In any event, we need to end the impasse. That is what I have been about and what the Senator from South Dakota has been about, and the Senator from North Dakota, along with a number of my colleagues. I met this morning with Congresswoman MORELLA from Maryland and Congressman DAVIS from Virginia, and I have been in contact with Congressman WOLF from Virginia and Senator WARNER from Virginia. They have a lot of Federal employees in their States and districts. We believe they ought to be paid. They should not be hostages or pawns. We ought to end this. It has gotten to the point where it is a little ridiculous, as far as this Senator is concerned.

We are going to keep trying. Hopefully, on Tuesday, if we cannot do anything else, we may pass whatever it takes on the Senate side, I say to my colleague from South Dakota.

In the meantime, I must object.

The ACTING PRESIDENT pro tempore. Objection is heard. The Democratic leader.

UNANIMOUS-CONSENT REQUEST— HOUSE MESSAGE ON S. 1508

Mr. DASCHLE. Mr. President, I said this on the floor yesterday afternoon, and I will repeat it this afternoon. I know that the distinguished majority leader wants an agreement as much as

I do, and I do not hold him personally responsible for the fact that we are not able to overcome this impasse. I commend him for his efforts at trying to do so again today.

Let me try one other option. We have already been unable to agree to a continuing resolution that would have put all Federal employees back to work with pay. We have been unable to agree to something that we agreed to last Friday, the 22d of December, which would have at least sent them back to their offices without pay. Perhaps we can try this.

I ask unanimous consent that the Senate proceed to the message from the House on S. 1508, that the Senate concur in the House amendment with a substitute amendment that includes the text of Senator DOLE's back-to-work bill, and the House-passed expedited procedures shall take effect only if the budget agreement does not cut Medicare more than necessary to ensure the solvency of the Medicare part A trust fund and, second, does not raise taxes on working Americans, does not cut funding for education or environmental enforcement, and maintains the individual health guarantee under Medicaid and, third, provides that any tax reductions in the budget agreement go only to Americans making under \$100,000; that the motion to concur be agreed to, and the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DOLE. Mr. President, I want to say a few words. But I will object.

We are working on a lot of these things in our meetings at the White House, where we have both been for a number of hours. I think we have made some progress. We are a long way from any solution yet.

I think all of the things listed by the Democratic leader are areas of concern in the meetings we have had. And the meetings will start again on Tuesday. But it seems to me that it would not be appropriate to proceed under those terms, and therefore I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

VETOED APPROPRIATIONS BILLS

Mr. DOLE. Mr. President, I know there is an effort here by both sides to

make a record. Even though we both agree that something is going to be done, I think we have Members on both sides of the aisle who may have different views. I am not going to ask consent that we reconsider all the appropriations bills that the President has vetoed. I have here a consent form prepared.

But I think we must keep in perspective that the reason many Federal employees are not working is because the President has vetoed the Interior bill, the State, Justice, and Commerce bill, and the HUD-VA bill; and, also the fact that Labor-HHS has been tied up on the Senate floor—I say this in no disrespect—because my colleagues on the other side of the aisle refuse to allow us to bring it up. We need 60 votes to do that. We only have 53.

So I want to continue to make the record that many Federal employees would be working today had the President signed the bills.

In the meantime what we thought we might do—we tried to do this one other time and it was objected to—is in essence—we are in these very serious negotiations, good-faith, bipartisan negotiations—send the bills back to the President, which he vetoed, and then see if he will sign those bills, put people back to work, not temporarily but on a permanent basis, and then make the changes in this big agreement we hope to reach on each of those bills. But Senator LEAHY objected to that.

And then I was prepared to go through them one at a time and just say, Well, let us send the Interior bill, and let us send the next bill and the next bill, for a total of six bills. But I am certain those would be objected to.

But I just want the record to reflect that while we are not in agreement yet, I believe the White House, and I certainly believe the Democratic leader, Senator DASCHLE, and I know this Republican, and I know the Presiding Officer because he expressed his views earlier to me, would like to see this thing ended and Government employees go back to work and get paid. That is not going to happen, unfortunately, today. So it is not going to be a happy new year.

But we will meet the day after New Year's Day, on the 2d, and hopefully by then we will have some agreement that will pass the House, and they can start work by midweek.

Mr. DASCHLE addressed the Chair.

The ACTING PRESIDENT pro tempore. The Democratic leader.

Mr. DASCHLE. Mr. President, I share the view of the distinguished majority leader that it is important to come back on Tuesday and make our best effort to resolve the impasse. I am confident that at least on this side that can be done.

I would only remark very briefly that the President has indicated the way in which those bills could be signed. There is no reason why we would have to have the impasse. We can negotiate our differences on those bills just as we are negotiating our differences on the budget resolution. I hope we can do that sooner rather than later. We do not need the impasse on these appropriations bills.

With that, I yield the floor.

Mr. DOLE. Mr. President, I thank my colleague.

ORDERS FOR TUESDAY, JANUARY 2, 1996

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 12 noon on Tuesday, January 2d; that immediately following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and there then be a period for morning business not to extend beyond the hour of 12:30 p.m., with statements limited to 5 minutes each.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

ADJOURNMENT UNTIL TUESDAY, JANUARY 2, 1996

Mr. DOLE. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 1:40 p.m., adjourned until Tuesday, January 2, 1996, at 12 noon.